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In re Application of YAMAUCHI
U.S. Application No.: 10/594,988
PCT Application No.: PCT/JP2005/003230
Int. Filing Date: 21 February 2005
Priority Date Claimed: 31 March 2004
Attorney Docket No.: 12699/45
For: POWER OUTPUT DEVICE AND
AUTOMOBILE

DECISION

This is in response to applicant's "Response to Notification of Missing Requirements" filed 30 July 2007, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 21 February 2005, applicant filed international application PCT/JP2005/003230, which claimed priority of an earlier Japan application filed 31 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 30 September 2006.

On 29 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 February 2007, applicant purportedly filed an executed declaration.

On 31 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 30 July 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 28 February 2007. Specifically, the copy of the return postcard, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 28 February 2007, serves as *prima facie* evidence that the declaration was received by the USPTO on 28 February 2007.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 31 May 2007 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 February 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 28 February 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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